

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| <b>Applicant:</b> Copa et al.                         | <b>Examiner:</b> Yabut, Diane D. |
| <b>Serial No.</b> 10/646,383                          | <b>Group Art Unit:</b> 3734      |
| <b>Filed:</b> August 21, 2003                         |                                  |
| <b>For:</b> ANASTOMOSIS DEVICE AND<br>RELATED METHODS | <b>Docket No.</b> AMS0008/US     |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I CERTIFY THAT ON OCT 30, 2009,  
THIS CORRESPONDENCE IS BEING ELECTRONICALLY  
TRANSMITTED TO THE UNITED STATES PATENT AND  
TRADEMARK OFFICE VIA THE OFFICE'S EFS-WEB.

*Daniel C. Schulte*

DANIEL C. SCHULTE

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Dear Madam:

Applicants acknowledge with appreciation the personal interview granted between Applicants' representatives, Daniel C. Schulte, Greg Koeller, and Kim Baxter, and Examiner Yabut on October 6, 2009, in connection with the above-referenced application.

During the interview, the parties discussed claims 1-44, reciting of anastomosis devices. Applicants described how the claimed devices are believed to be distinct from and inventive over cited references to Salama (U.S. Patent No. 5,306,226) and Kirsch (U.S. Patent No. 6,461,357). Applicants presented a prototype of a device as claimed to demonstrate features believed to be inventive over prior art devices. Exemplary features of the claims discussed included, among other features:

- tissue approximating structure that can be extended and retracted from the catheter body wall at a distal end of the catheter body so the device can be left in a patient to allow anastomosis and drainage; this differs, for example, from the content of the Kirsch et al. reference, describing not to leave an instrument in a patient for anastomosis, but to instead use "clips" to hold tissue together for anastomosis;

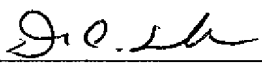
- tissue approximating structure that can be extended and retracted from the catheter body wall at distal end of the catheter body, at a fixed location along the distal end of the catheter body (as presented in certain of the new dependent claims).

The examiner indicated that further search and consideration would be necessary.

Approval of the application and allowance of the claims are requested. In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9806.

Respectfully Submitted,

Dated: OCT. 30, 2009

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